

REMARKS

Re-examination and favorable consideration in light of the above amendments and the following comments are respectfully requested.

Claims 14 - 19 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 14 and 19 have been amended.

In the office action mailed December 8, 2009, claims 14 - 19 were rejected under 35 U.S.C. 112, second paragraph as being indefinite; claims 14 and 15 were rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 6,131,401 to Ueno et al.; claims 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno and McCarty in view of U.S. Patent No. 5,752,726 to Fixemer; claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno and McCarty in view of JP Patent Publication No. 2003-06516 to Sakamoto et al.; and claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno in view of U.S. Patent No. 4,285,210 to McCarty.

The foregoing rejections are traversed by the instant response.

The objection to claim 19 is duly noted; however, the presence of the word "and" before "during the defrosting phase" is grammatically correct. The Examiner is requested to withdraw the objection.

With regard to the rejection of claims 14 - 19 under 35 U.S.C. 112, second paragraph, this rejection is now moot in view of the cancellation of the limitation "the modified expansion valves and/or the modified linear expansion machines or the modified linear compressors having a working position which

allows flow to pass through without a significant pressure drop."

Claim 14 as amended herein is directed to a refrigeration installation having at least one refrigeration consumer, which includes at least one evaporator, having at least one feed line and at least one discharge line, via which a refrigerant or a refrigerant mixture is fed to the at least one refrigeration consumer and discharged from the at least one refrigerator consumer. The at least one refrigeration consumer has expansion members, wherein the expansion members are designed as modified expansion valves and/or as modified linear expansion machines having a working position which allow flow to pass through the valve or machine, respectively, without a significant pressure drop, and each said refrigeration consumer is assigned a modified linear compressor.

In order to anticipate a claim, each and every feature of the claim must be present, either expressly or inherently, in a single prior art reference. Expansion members being designed as modified expansion valves and/or as modified linear expansion machines having a working position which allows flow to pass through the valve or machine respectively without a significant pressure drop is not disclosed by the Ueno patent either expressly or inherently. The Examiner has not indicated where such a disclosure is present in Ueno. The only reference to an expansion valve made by Ueno can be found in column 3, lines 31 to 39, where such a working position is not mentioned. If the Examiner is relying upon an inherency theory, the Examiner has not made any showing using extrinsic evidence that such expansion valves or expansion machines are necessarily present and would be so recognized by one of skill in the art. The McCarty reference relied upon the Examiner is evidence that such

an expansion valve is not necessarily present. McCarty does not show an expansion valve with a working position in which through flow without significant pressure drop is possible. As stated by the Examiner, McCarty teaches the exact opposite, namely to provide a bypass line including a by-pass valve (37) in order to bypass the expansion valve (27). For these reasons, claim 14 is not anticipated by Ueno.

Claim 15 is allowable for the same reason as claim 14 as well as on its own accord.

Claims 16 - 19 are allowable for the same reasons as claim 14. The Fixemer, Sakamoto et al. and McCarty references do not cure the aforenoted deficiencies of Ueno.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

No fee is believed to be due as a result of this response.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

Uwe Schierhorn

By/Barry L. Kelmachter #29999/

Barry L. Kelmachter
BACHMAN & LaPOINTE, P.C.
Reg. No. 29,999
Attorney for Applicant
Telephone: (203) 777-6628 ext. 112
Telefax: (203) 865-0297
Email: docket@bachlap.com

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